

# EXHIBIT 2

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

3 ---o0o---

4 MATTHEW PETERSON, SADIE FLODING,  
5 COLIN STRUB, CARSON BRENDA, JODY  
6 BARRY, TEISCHA BENSON, LYNNETTA  
KLAM, and LORI DAVIES,

**CERTIFIED  
TRANSCRIPT**

Plaintiff(s),

7 vs.

Case No.  
1:22-cv-00701 JLT-CDB

8 THOMSON INTERNATIONAL,  
9 INCORPORATED, a California corporation;  
DOES 1-10, INCLUSIVE; and ROE  
10 ENTITIES 1-10, INCLUSIVE,

11 Defendant(s).

12 \_\_\_\_\_/

13

14

REMOTE DEPOSITION OF

15

JODY BARRY

16

Thursday, December 21, 2023

17

18

19 REPORTED BY:

20 DEBRA J. SKAGGS, CSR 7857

21

22

EMERICK AND FINCH  
Certified Shorthand Reporters  
18 Crow Canyon Court, Suite 125  
San Ramon, California 94583  
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23

24

25

1 BE IT REMEMBERED that, pursuant to Notice, and  
2 on Thursday, December 21, 2023, commencing at the hour of  
3 10:01 A.M., thereof; in their respective locations via  
4 Zoom, as noticed by the attorneys for the Defendants,  
5 GREENAN, PEFFER, SALLANDER & LALLY LLP, 2000 Crow Canyon  
6 Place, Suite 380, San Ramon, California, was before me,  
7 DEBRA J. SKAGGS, CSR No. 7857, a Certified Shorthand  
8 Reporter, State of California, remotely appeared.

9 JODY BARRY,  
10 produced as a witness herein, in the above-entitled  
11 action, who, being by me first remotely duly sworn or  
12 having affirmed, was thereupon examined and testified as  
13 a witness in said action.

14 --o0o--

15 (Witness sworn in.)

16 --o0o--

17 PROCEEDINGS

18 THE REPORTER: Thank you.

19 Ms. Barry, will you state the city and state  
20 where you're located taking your deposition.

21 THE WITNESS: Gresham, Oregon.

22 THE REPORTER: Will the attorneys state their  
23 appearances and who they represent for the record,  
24 please.

25 ATTORNEY LIEN: Lindsay Lien on behalf of

1 A. I don't know.

2 Q. What do you know about Defendant Thomson?

3 A. I know nothing.

4 Q. What are you suing Thomson for?

5 ATTORNEY LIEN: Objection; foundation.

6 Go ahead, Jody.

7 THE WITNESS: Okay.

8 Well, all my medical and pain and suffering.

9 ATTORNEY CHEN: Q. When you say you are  
10 suing Thomson for medical, could you please describe  
11 what happened to you?

12 A. Well, first of all, I came down with a high  
13 fever. I was very chilled. And my husband took my, you  
14 know, temperature, and it was 103.5. I started --  
15 started with throwing up and it also coming out the  
16 other end. So diarrhea, throwing up, and just major  
17 cramping.

18 Q. When did you first experience those symptoms?

19 A. It was mid-July. I couldn't tell you the  
20 exact date.

21 Q. Which year?

22 A. It was 2020, I believe.

23 Q. What did you do when you had those symptoms?

24 A. Ran to the bathroom, and that was it. And lay  
25 in bed. I slept and -- like I said, the only time I got

1 up was to go to the bathroom.

2 **Q. What else did you do?**

3 A. Nothing. I slept -- just slept and went to  
4 the bathroom.

5 **Q. You just testified you are seeking medicals in**  
6 **this case --**

7 A. Okay. Well, let me clarify.

8 About two days into my sickness, all I did was  
9 sleep. My husband told me -- or drug [sic] me to the  
10 urgent care to see if I had COVID-19, and I was -- it  
11 was determined that I did not have it. And then my  
12 husband, two days later, because the symptoms were  
13 getting worse, I went to urgent care again. And then  
14 they said they couldn't take care of that, and they sent  
15 me to emergency, which my husband took me promptly to  
16 the emergency room.

17 **Q. Did you say your husband "dragged" you or**  
18 **"drugged" you to urgent care?**

19 A. No -- let's just say I didn't want to go, but  
20 he insisted that I go. So because he insisted --  
21 obviously I was too sick to make my own decisions at  
22 that time because I was so sick.

23 **Q. Did he drug you to go to urgent care?**

24 A. Well, you're saying drug me, but he -- he took  
25 me -- he insisted that I go. Not dragged me or drug me,

1 Q. Did you stay overnight at the hospital?

2 A. No.

3 Q. Were you released the same day?

4 A. Yes.

5 Q. Did your symptoms get better after you were  
6 released from the hospital?

7 A. No, not for a day or two later.

8 Q. What happened a day or two later?

9 A. I was able to get up, wash myself, eat a  
10 little. But that was basically it.

11 Q. How long did your symptoms last?

12 A. Well, I -- you mean -- it took me weeks to get  
13 better. But the -- the worst days were maybe one  
14 through seven.

15 Q. Was your fever gone after your release from  
16 the hospital?

17 A. My fever continued only for five days, I  
18 believe. Maybe six. I can't recall.

19 Q. What about your chills?

20 A. It lasted about the same time: about five or  
21 six days.

22 Q. What about throwing up?

23 A. What was that?

24 Q. What about -- you said you threw up. What  
25 about vomiting?

1 A. Oh, I -- yes. It was -- vomiting for a  
2 couple -- two days, three days, I believe it was. But  
3 mostly diarrhea.

4 Q. When did your diarrhea symptoms resolve?

5 A. Weeks.

6 Q. Could you give me a timeline of the weeks?

7 Was it three weeks? four weeks?

8 A. I would say five weeks.

9 Q. What about cramping?

10 A. Oh, that lasted about the same time. Every  
11 time I had to go to the bathroom, I had cramping. But  
12 the worst part would be about five weeks as well.

13 Q. Did your cramping symptoms resolve after five  
14 weeks?

15 A. Yes. Yes.

16 Q. Now, let's talk about your tests.

17 Did any of the results of your tests come back  
18 when you were in the hospital?

19 A. I believe they came back two days later with  
20 the Newport strain.

21 Q. Newport strain for what?

22 A. I guess salmonella.

23 Q. From which tests did they get the result for a  
24 Newport strain?

25 ATTORNEY LIEN: Objection; foundation.

1 Q. Who is your primary doctor?

2 A. Dr. Paul Podett.

3 Q. Could you please spell his last name?

4 A. P-o-d-e-t-t.

5 Q. Which medical practice is Dr. Podett with?

6 A. He's a primary -- or just a general doctor.

7 What do you -- I don't know what you call it. A general  
8 doctor of everything.

9 Q. Is he affiliated with any particular medical  
10 provider?

11 A. I believe he's with Legacy.

12 Q. What kind of a medical provider is Legacy?

13 A. I don't know.

14 Q. Is he affiliated with any other medical  
15 providers?

16 A. I don't know.

17 Q. When did you see Dr. Podett?

18 A. I think it was in August. Mid-August,  
19 something like that.

20 Q. 2020?

21 A. Yes.

22 Q. Were your symptoms resolved when you saw  
23 Dr. Podett?

24 A. No. I still had diarrhea and some cramping.

25 Q. What kind of medical treatment did Dr. Podett



1 provide to you?

2 A. It was consultation, basically; and how to, I  
3 guess, comfort myself, whether -- you know, telling me  
4 to go see a specialist, or just take Tylenol or  
5 whatever.

6 Q. Did you take Tylenol?

7 A. Oh, yes.

8 Q. After your visit to Dr. Podett?

9 A. Yes.

10 Q. Was your fever resolved at the time when you  
11 saw Dr. Podett?

12 A. Yes, it has.

13 Q. What did --

14 A. It did.

15 Q. -- what did you take Tylenol for?

16 A. Just -- still in a little bit of pain.

17 Q. For your cramping?

18 A. Only when I had to go to the bathroom. And I  
19 still had diarrhea after I saw Dr. Podett.

20 Q. How long did you take Tylenol?

21 A. Five, six weeks. Something like that.

22 Q. Now, you just testified that your symptoms  
23 resolved in five weeks after the onset.

24 A. Yes.

25 Q. And you saw Dr. Podett about a month or two

1     **weeks after your --**

2     A.           No, it was longer than that. I think I saw  
3     him five or six weeks after, I believe. Maybe it was a  
4     month later; four weeks. I don't recall exactly.

5     **Q.           But by that time your symptoms were almost**  
6     **resolved except for cramping and diarrhea; right?**

7     A.           That is correct. Five or six weeks, yes.

8     **Q.           So when did you start to take Tylenol?**

9     A.           On the onset. When I started having a fever  
10    of 103.5, I took Tylenol. That's the only thing that  
11    would help the pain but also reduce the fever.

12   **Q.           So you took Tylenol from the onset of your**  
13   **symptoms for five to six weeks; is that correct?**

14   A.           That is correct.

15   **Q.           And not from your time when you saw the**  
16   **doctor, Dr. Podett.**

17   A.           No, he --

18   **Q.           The first time you took Tylenol was when you**  
19   **had --**

20   A.           When I first -- when I first got sick, I  
21   started with Tylenol. And then it continued until I saw  
22   Dr. Podett, and I continued it a little bit after  
23   because the cramping and the diarrhea was still present  
24   but not as bad.

25   **Q.           Could you describe your cramping when you saw**

1 Dr. Podett?

2 A. Well, it was all in the abdomen, but  
3 especially in the -- in the intestines. In that area.  
4 The lower -- lower stomach.

5 Q. Isn't it true that your cramping was not  
6 significant when you saw Dr. Podett?

7 A. Not as bad. But yes, it was still present.

8 Q. What's the total amount of your medical bills?

9 A. I don't know.

10 Q. Have the bills been paid?

11 A. Yes.

12 Q. Did you have health insurance --

13 A. Yes.

14 Q. -- in 2020?

15 A. Yes.

16 Q. Do you know the salmonella outbreak strain in  
17 2020?

18 A. I didn't know, no.

19 Q. Do you know the whole genome sequencing of the  
20 2020 salmonella outbreak?

21 ATTORNEY LIEN: Objection; foundation.

22 ATTORNEY CHEN: Q. You should answer my  
23 question.

24 A. No.

25 Q. Do you know the whole genome sequencing of

1     **your salmonella stool sample?**

2     A.           No.

3                 ATTORNEY LIEN:  Objection.

4                 ATTORNEY CHEN:  Q.  Does the whole genome  
5     sequencing of your salmonella stool sample match the  
6     whole genome sequencing of the 2020 salmonella  
7     outbreak?

8                 ATTORNEY LIEN:  Objection; foundation.

9                 THE WITNESS:  I don't know.

10                Sorry, Lindsay.  I didn't mean to talk over  
11     you.

12                ATTORNEY LIEN:  Oh, you're -- yeah, just wait  
13     if I object, but.

14                THE WITNESS:  Okay.

15                ATTORNEY CHEN:  Q.  Are you seeking  
16     emotional distress damages in this lawsuit?

17     A.           No.  Just pain and suffering.

18     **Q.           Are you seeking psychological care damages in**  
19     **this lawsuit?**

20     A.           No.

21     **Q.           When you say pain and suffering, can you**  
22     **describe your damages?**

23                ATTORNEY LIEN:  Objection; foundation.

24                Go ahead, Jody.

25                THE WITNESS:  Well, acute pain with cramping;

1 the diarrhea; the throwing up; the fever; the lack of  
2 spending time with my family; doing whatever pleasures  
3 myself, whether it was outside in the garden or cooking.  
4 I could do nothing.

5 ATTORNEY CHEN: Q. Did your husband get  
6 sick in July 2020?

7 A. No.

8 Q. What about your son Jake?

9 A. No.

10 Q. What about your son Vincent?

11 A. No.

12 Q. Are you seeking damages for anxiety in this  
13 lawsuit?

14 A. No.

15 ATTORNEY LIEN: Objection; foundation.

16 ATTORNEY CHEN: Q. Yeah, please wait till  
17 your counsel is finished so the court reporter can  
18 take down both of your words.

19 THE WITNESS: Lindsay?

20 ATTORNEY LIEN: Yeah, answer the question.

21 THE WITNESS: No.

22 ATTORNEY CHEN: Q. Are you seeking any  
23 damages for disfigurement?

24 A. No.

25 Q. Are you seeking any damages for physical

1 Q. Was there blood in the diarrhea?

2 A. Not in the beginning, no.

3 Q. When did you have blood in the diarrhea?

4 A. It was around day five.

5 Q. When did you stop having blood in your  
6 diarrhea?

7 A. I don't recall.

8 Q. You eventually stopped to have blood in your  
9 diarrhea?

10 A. Yes. Eventually.

11 Q. And after your salmonella symptoms resolved,  
12 you did not have blood in your diarrhea anymore; right?

13 A. That's correct.

14 Q. Now, I would like you to tell me the food you  
15 ate in the last seven days before you got sick in  
16 July 2020.

17 A. Well, I'm kind of a chef, so I cook  
18 everything. So there is chicken, beef, vegetables. I  
19 really enjoy Mexican food, so I make a lot of tacos and  
20 things like that. Eat salsas. Salads.

21 Q. Now, let's start with the date you got sick.  
22 What did you eat on the date you got sick?

23 A. Well, the day that I got sick, we had Mexican  
24 food. And we stopped and got my -- one of my favorite  
25 salsas at a little tienda, and went home and we had our

1     **Q.           When did your symptoms start?**

2     A.           They started -- the same evening I -- the same  
3     evening I got sick. So -- but, you know, I figured it  
4     was nothing and I continued to eat it.

5     **Q.           What were your first symptoms?**

6     A.           My first symptoms started around -- I think  
7     the 10th, and I got real ill with chills that evening.

8     **Q.           Did you have diarrhea?**

9     A.           After the chills and I couldn't get warm, I  
10    got very nauseated, and I threw up. And the cramping  
11    was very bad, and I had to rush to the bathroom.

12    **Q.           How long did the nausea symptoms last?**

13    A.           About five days.

14    **Q.           As you sit here today, have your nausea  
15    symptoms resolved?**

16    A.           Yes.

17    **Q.           How do you know the salsa was made in-house in  
18    the grocery store?**

19    A.           I do not know.

20    **Q.           So when you testified earlier, you said that  
21    the salsa was homemade. That was just a guess; right?**

22    A.           Well, it doesn't have a label on it.

23    **Q.           You mean no label on the plastic container?**

24    A.           Just the price tag.

25    **Q.           My first question is no label on the plastic**

1 EMERICK & FINCH  
2 Certified Shorthand Reporters  
3 18 Crow Canyon Court, Suite 125  
4 San Ramon, California 94583  
5 (925) 831-9029

6 Date: January 11, 2024

7 Jody Barry

8 Re: MATTHEW PETERSON vs 1:22- THOMSON INTERNATIONAL  
9 Date Taken: Thursday, December 21, 2023

10 Dear Jody Barry,

11 Your deposition in the above matter is now  
12 available at this office. You may wish to discuss with  
13 your attorney whether he or she requires that it be  
14 read, corrected, if necessary, and signed before it is  
15 filed with the court, if so ordered.

16 Since the original deposition may not be  
17 released from our custody, if you wish to sign it,  
18 please appear at this office, 18 Crow Canyon Court,  
19 Suite 125, San Ramon, California, within the next 30  
20 days on any weekday between the hours of 9:00 a.m. and  
21 4:00 p.m. You must bring this letter with you.

22 As an alternative, you may wish to read your  
23 attorney's copy of the deposition and notify this office  
24 by letter of any changes you wish to be made.

25

Very Sincerely,

EMERICK & FINCH

21  
22   
23 Debra J. Skaggs

24 cc: All Counsel

25